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7 Attorneys for Defendant

Kevin Bernez

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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 RYAN VINCENT FITZPATRICK,
13 individually;

14 Plaintiff,

15 v.

16 KEVIN BERNEZ, individually; DOES I-X;
17 and ROE CORPORATIONS I-X, inclusive,

18 Defendant

2:19-cv-02174-JAD-EJY

**STIPULATION TO EXTEND
DISCOVERY PLAN AND
SCHEDULING ORDER
DEADLINES BY 90 DAYS
FOURTH REQUEST**

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20 Pursuant to Local Rule IA 6-1 and II 26-4, Defendant Kevin Bernez and
21 Plaintiff Ryan Vincent Fitzpatrick, by and through their respective counsel of
22 record, stipulate to a 90 day extension of the following designated deadlines. This
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1 is the FOURTH such request for an extension of discovery, and it is entered in good
2 faith without any intent to delay.

3 **I. Introduction**

4 INSERT RATIONALE AND HISTORY OF FILINGS.

5 **II. Discovery Status**

6 **a. Discovery that has been Completed:**

- 7 1. Plaintiff has served his Initial Disclosure of Witnesses and
8 Documents pursuant to NRCP 16.1;
- 9 2. Defendants served their Initial Disclosure of Witnesses
10 and Documents pursuant to NRCP 16.1;
- 11 3. Defendant propounded interrogatories and requests
12 for production on Plaintiff, who responded on March
13 31, 2020;
- 14 4. Plaintiff propounded interrogatories, request for
15 admissions and requests for production on Defendant,
16 who responded on July 30, 2020;
- 17 5. Plaintiff's deposition was taken on July 9, 2020.
- 18 6. Defendant's First Supplement to FRCP Rule 26
19 Disclosures;
- 20 7. Plaintiff's First Supplement to FRCP Rule 26 Disclosures;

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b. Discovery that Remains

1. Initial expert witness disclosures;
2. Rebuttal expert witness disclosures;
3. Deposition of Defendant;
4. Depositions of each party's respective experts; and
5. Any other discovery that may become necessary upon completion of the discovery above.

III. Reason for the Requested Extension

This request is made for a good cause exists because both parties are in the process of conducting discovery, some of which has been delayed by the COVID-19 pandemic and personal matters for Defendant's counsel. Defendant is still obtaining Plaintiff's medical records from his treating providers. Plaintiff needs to take Defendant's deposition. In addition, defendant and one witness reside in Los Angeles County, California. The COVID-19 pandemic with, additional lockdowns in Los Angeles, has delayed required depositions until such time as they can be taken without undue risk to the participants, including counsel who must travel from Las Vegas to Los Angeles. In addition, the parties believe they are close to a settlement and do not want to incur the cost of experts if such costs can be avoided.

IV. Proposed Schedule

- a. Close of Discovery: The current deadline of March 15, 2021 shall be extended to June 11, 2021.





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- b. Amending the pleadings and/or adding parties: The current deadline of March 17, 2020 has passed and shall not be continued.
- c. Interim Status Report: The current deadline of January 13, 2021 shall be extended to April 13, 2021.
- d. Initial Expert Disclosures: The current deadline of January 13, 2021 shall be extended to April 11, 2021, which is sixty days before the proposed discovery closure.
- e. Rebuttal Expert Disclosures: The current deadline of February 15, 2021 shall be extended to May 12, 2021, which is thirty days before the proposed discovery closure.
- f. Dispositive Motions: the current deadline of April 14, 2021 shall be extended to July 9, 2021, which is twenty-eight days after the proposed discovery closure.
- g. Pre-Trial Order: the joint pre-trial order shall be filed by August 6, 2021, twenty-eight days after the deadline to file dispositive motions, or, if such a motion is filed, to a date thirty days after any such motion is decided by the Court.

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1 All parties agree that the requested 90date extension of all designated
2 deadlines is necessary to provide all parties times to complete discovery in this
3 matter.

4 DATED January 14, 2021

DATED January 14, 2021

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6 **PLLC**

ATKINSON WATKINS &
HOFFMANN, LLP

7 /s/ Sean Cooney, Esq.

/s/ Tyler M. Crawford, Esq.

8 SEAN D. COONEY, ESQ.
ADAM C. EDWARDS, ESQ.
Attorneys for Defendant
Kevin Bernez

TYLER M. CRAWFORD, ESQ.
Attorneys for Plaintiff
Ryan Vincent Fitzpatrick

10 **ORDER**

11 **IT IS SO ORDERED.**

12 Dated: January 14, 20201

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15 DAYNA J. ZOUCHEK
16 UNITED STATES MAGISTRATE JUDGE
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